

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

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SIXTY-SEVENTH LEGISLATIVE DAY  
THURSDAY, MARCH 19, 2009

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused – Smith(24). Total – 1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Breana Rojas, Page.

### Approval of Journal

March 19, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-sixth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

March 18, 2009

Mr. Speaker:

I return herewith enrolled [H 31](#), as amended in the Senate, [H 34](#), as amended in the Senate, [H 79](#), as amended in the Senate, and [H 132](#), as amended in the Senate, which have been signed by the President.

WOOD, Secretary

Enrolled [H 31](#), as amended in the Senate, [H 34](#), as amended in the Senate, [H 79](#), as amended in the Senate, and [H 132](#), as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 18, 2009

Mr. Speaker:

I transmit herewith [S 1074](#), as amended, as amended, [S 1020](#), as amended, and [S 1108](#), as amended, which have passed the Senate.

WOOD, Secretary

[S 1074](#), as amended, as amended, [S 1020](#), as amended, and [S 1108](#), as amended, were filed for first reading.

March 18, 2009

Mr. Speaker:

I return herewith [H 57](#), [H 78](#), [H 40](#), [H 137](#), [H 59](#), and [H 60](#) which have passed the Senate.

WOOD, Secretary

[H 57](#), [H 78](#), [H 40](#), [H 137](#), [H 59](#), and [H 60](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 18, 2009

Mr. Speaker:

I return herewith [H 70](#), as amended in the Senate, [H 152](#), as amended in the Senate, and [H 76](#), as amended in the Senate, which have passed the Senate.

WOOD, Secretary

[H 70](#), as amended in the Senate, [H 152](#), as amended in the Senate, and [H 76](#), as amended in the Senate, were ordered held at the Desk.

Mr. Clark asked unanimous consent that the House concur in the Senate amendments to [H 70](#), as amended in the Senate. There being no objection, it was so ordered.

Mr. Thompson asked unanimous consent that the House concur in the Senate amendments to [H 152](#), as amended in the Senate. There being no objection, it was so ordered.

Mr. Takasugi asked unanimous consent that the House concur in the Senate amendments to [H 76](#), as amended in the Senate. There being no objection, it was so ordered.

[H 70](#), as amended in the Senate, [H 152](#), as amended in the Senate, and [H 76](#), as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

### Report of Standing Committees

March 19, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 7](#), [H 248](#), [H 249](#), [H 250](#), [H 251](#), [H 252](#), and House amendments to [H 203](#), [H 97](#), and [H 233](#).

CLARK, Chairman

[HJM 7](#), [H 251](#), and [H 252](#) were referred to the Education Committee.

[H 248](#) was referred to the Commerce and Human Resources Committee.

[H 249](#) was referred to the State Affairs Committee.

[H 250](#) was filed for second reading.

March 19, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 143](#).  
CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 143](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

March 19, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 203](#), as amended, [H 97](#), as amended, and [H 233](#), as amended.  
CLARK, Chairman

[H 203](#), as amended, [H 97](#), as amended, and [H 233](#), as amended, were filed for first reading of engrossed bills.

March 18, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 21](#) to the Secretary of State at 1:50 p.m., as of this date, March 18, 2009.

CLARK, Chairman

March 18, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [HJM 4](#) and recommend that it do pass.

LOERTSCHER, Chairman

[HJM 4](#) was filed for second reading.

March 18, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 216](#) and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

[H 216](#) was placed on General Orders for consideration.

March 18, 2009

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 242](#) and recommend that it do pass.

LAKE, Chairman

[H 242](#) was filed for second reading.

March 19, 2009

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 244](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 244](#) was placed on General Orders for consideration.

March 18, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 241](#), [S 1053](#), as amended, and [S 1054](#) and recommend that they do pass.

WOOD, Chairman

[H 241](#), [S 1053](#), as amended, and [S 1054](#) were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 253 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO COOPERATIVE SERVICE AGENCIES; AMENDING SECTION 33-317, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN LEVIES FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING FACILITIES OF A COOPERATIVE SERVICE AGENCY; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-317A, IDAHO CODE, TO PROVIDE THAT A COOPERATIVE SERVICE AGENCY MAY REQUEST ADDITIONAL FUNDING TO BE FURNISHED BY A TAX LEVY, TO PROVIDE FOR AN ELECTION, TO PROVIDE PROVISIONS RELATING TO A QUESTION TO BE SUBMITTED, TO PROVIDE FOR NOTICE, TO PROVIDE FOR CERTAIN VOTING PERCENTAGES RELATING TO TAX LEVY RATES, TO PROVIDE FOR A TAX LEVY, TO PROVIDE FOR INCREASING THE TERM AND TAX LEVY, TO PROVIDE FOR A CONDITION ON COMMENCING PHYSICAL CONSTRUCTION, TO PROVIDE PROVISIONS RELATING TO WHEN ONE OR MORE MEMBER DISTRICTS FAIL TO APPROVE THE TAX LEVY, TO PROVIDE FOR SUBSEQUENT ELECTIONS FOR CERTAIN MEMBER DISTRICTS AND TO PROVIDE FOR THE ADMINISTRATION AND ACCOUNTING OF MONEYS.

#### HOUSE BILL NO. 254 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE ANNUAL REGISTRATION FEES FOR CERTAIN VEHICLES, TO PROVIDE FOR DEPOSIT OF MONEYS, TO PROVIDE FOR ANNUAL REGISTRATION FEES FOR CERTAIN VEHICLES AND TO PROVIDE EFFECTIVE DATES; AMENDING SECTION 49-402B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 49-411, IDAHO CODE, TO REVISE VALIDATION FEE PROVISIONS RELATING TO DEALER AND MANUFACTURER PLATES, TO PROVIDE VALIDATION FEE PROVISIONS RELATING TO DEALER AND MANUFACTURER PLATES AND TO PROVIDE EFFECTIVE DATES; AMENDING SECTION 49-426, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 49-431, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 49-432, IDAHO CODE, TO REVISE SPECIFIED PERMIT FEES, TO

DELETE REFERENCE TO CERTAIN PERMIT FEES, TO PROVIDE CERTAIN PERMIT FEES, TO PROVIDE CODE REFERENCES AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 49-434, IDAHO CODE, TO DELETE REFERENCE TO CERTAIN REGISTRATION FEES, TO PROVIDE CERTAIN REGISTRATION FEES, TO PROVIDE FOR DEPOSIT OF MONEYS, TO PROVIDE CORRECT CODE REFERENCES, TO REVISE CERTAIN REGISTRATION AND ADMINISTRATIVE FEES, TO PROVIDE EFFECTIVE DATES, TO PROVIDE OPTIONS TO CERTAIN ANNUAL REGISTRATIONS, TO SPECIFY PROCESS PROVISIONS, TO PROVIDE FOR ADMINISTRATIVE FEES, TO DELETE REFERENCE TO PROVISIONS RELATING TO REGISTRATION FEES FOR SPECIFIED COMMERCIAL AND FARM VEHICLES, TO PROVIDE FOR REGISTRATION FEES FOR SPECIFIED COMMERCIAL AND FARM VEHICLES, TO REVISE FEE PROVISIONS RELATING TO SPECIFIED COMMERCIAL AND FARM VEHICLES AND TO DELETE REFERENCE TO CERTAIN USE FEES; AMENDING SECTION 49-435, IDAHO CODE, TO REVISE AN IDENTIFICATION CHARGE, TO REVISE A CODE REFERENCE AND TO CLARIFY THAT CERTAIN FEES SHALL BE PAID PURSUANT TO APPLICABLE CODE REFERENCES; AMENDING SECTION 49-439, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 49-443, IDAHO CODE, TO PROVIDE CODE REFERENCES, TO REVISE CODE REFERENCES AND TO REVISE CERTAIN TRANSFER FEES RELATING TO VEHICLES DESTROYED BY FIRE OR ACCIDENT; AMENDING SECTION 49-450, IDAHO CODE, TO REVISE THE FEE RELATING TO THE ISSUANCE OF PLATES; AMENDING SECTION 67-7122, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-701A, IDAHO CODE, TO PROVIDE FOR THE HIGHWAY MAINTENANCE, PRESERVATION AND RESTORATION FUND, TO PROVIDE FOR MONEYS CREDITED TO THE FUND, TO PROVIDE FOR INTEREST, TO PROVIDE FOR APPORTIONMENT OF FUND MONEYS, TO PROVIDE FOR CONTINUOUS APPROPRIATION AND TO PROVIDE FOR EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 255**  
**BY APPROPRIATIONS COMMITTEE**  
AN ACT

RELATING TO THE OFFICE OF ENERGY RESOURCES; APPROPRIATING AND PROVIDING FOR THE TRANSFER OF MONEYS FROM THE SUSPENSE FUND; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 256**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING SECTION 33-1006, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TRANSPORTATION SUPPORT PROGRAM, TO PROVIDE FOR THE ELIMINATION OF STATE REIMBURSEMENT FOR CERTAIN COSTS, TO REVISE STATE REIMBURSEMENT FOR CERTAIN COSTS, TO REVISE PROVISIONS RELATING TO THE CALCULATION FOR REIMBURSEMENT, TO REVISE PROVISIONS RELATING TO QUALIFYING

AS A HARDSHIP, TO DELETE A LOAN PROVISION, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL CALCULATE CERTAIN FUNDS LOST, TO PROVIDE FOR DISTRIBUTIONS TO SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS AND TO PROVIDE FOR THE USE OF DISTRIBUTIONS; AND AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN APPROPRIATION FOR PUBLIC CHARTER SCHOOLS AND TO REVISE PROVISIONS RELATING TO REIMBURSEMENT FOR PUBLIC CHARTER SCHOOL TRANSPORTATION COSTS.

[H 253](#), [H 254](#), [H 255](#), and [H 256](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1074](#), as amended, as amended, by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

[S 1020](#), as amended, by Schroeder, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

[S 1108](#), as amended, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

**First Reading of Engrossed Bills**

[H 203](#), as amended, and [H 233](#), as amended, by Revenue and Taxation Committee, were introduced, read the first time by title, and filed for second reading.

[H 97](#), as amended, by Transportation and Defense Committee, was introduced, read the first time by title, and filed for second reading.

**Second Reading of Bills and Joint Resolutions**

[HCR 29](#), [H 214](#), and [HJM 6](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[S 1046](#) and [S 1050](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[S 1126](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[S 1060](#), as amended, by Education Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that [H 247](#) be returned to the Transportation and Defense Committee. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [H 246](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[H 246](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [H 246](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Bedke, Bilbao, Black, Block, Chadderdon, Eskridge, Gibbs, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Luker, Moyle, Patrick, Raybould, Ringo, Roberts, Shirley, Smith(24), Stevenson, Takasugi, Trail, Wills, Wood(27), Mr. Speaker. Total – 27.

NAYS – Andrus, Barrett, Bayer, Bell, Boe, Bolz, Boyle, Burgoyne, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Hagedorn, Hart, Harwood, Killen, King, Kren, Labrador, Lake, Loertscher, Marriott, Mathews, McGeachin, Nielsen, Nonini, Palmer, Pasley-Stuart, Pence, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Simpson, Smith(30), Thayn, Thompson, Wood(35). Total – 43.

Paired Votes:

AYE -- Smith(24)                      NAY -- Boe

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 246](#) failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Friday, March 20, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:23 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk